THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION Nos. 18957 of 2005 &

18962 of 2005

Date: 29.08.2005

W.P. No.18957 of 2005:

Between:

M/s. G.Jagadish Reddy & Co., rep. by its
Managing Partner Gade Jagadish Reddy,
S/o. late Chukku Reddy, No.1-1-112,
Prasanthnagar colony, Near REC, Kazipet,
Warangal district

… Petitioner

And

1) The Chief Administrative Officer(construction),
South Central Railways, Secunderabad & another

…Respondents

W.P. No.18962 of 2005:

Between:

M/s. C.Suresh Reddy & Co., flat no.1362,

Jubilee Hills, Road No.45, Hyderabad, rep. by

Its Managing Partner Shailaja Reddy, w/o. Suresh

Reddy, 38 years, Railway contractor & another

… Petitioners

And

1) The Chief Administrative Officer(construction),

South Central Railways, Secunderabad & another

…Respondents

COMMON ORDER:

It is represented by the learned counsel for both the parties that the question involved in these Writ Petitions is squarely covered by the decision rendered by this Court in Writ Petition No. 21401 of 2004 and batch, dated 23.03.2005, wherein it has been held as follows:

> "In the light of the decision taken by the respondents under the letter dated 15.12.2004, I am of the view that the Seigniorage charges on "ordinary earth" in respect of the works entrusted to the petitioners under the respective agreements can not be recovered. Accordingly, the Writ Petitions are disposed of directing the respondents not to withhold any Seigniorage charges on ordinary earth from the on account and final bills of the petitioners in respect of the works entrusted to them under the Agreements in question. However, if the amounts are already deducted, it is for the petitioners to work out the appropriate remedy for refund of the same. It is also made clear that this shall not preclude the State Government to recover the Seigniorage charges directly from the petitioners, in case any such decision is taken, following due process of law.

All the Writ Petitions are accordingly disposed of. No costs."

The Writ Petitions are, accordingly, disposed of in terms of the above order dated 23.03.2005 in Writ Petition No.21401 of 2004 and batch.

(K.C.Bhanu, J.)

29.08.2005

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Issue CC in one week.

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